report setting forth in detail the manner and form in which they have complied with the order of the Commission herein set forth.

FEDERAL TRADE COMMISSION

v.

A. A. BERRY SEED CO.

COMPLAINT IN THE MATTER OF THE ALLEGED VIOLATION OF SECTION 5 OF AN ACT OF CONGRESS APPROVED SEPTEMBER 26, 1914.

Docket 534.—May 27, 1920.

SYLLABUS.

Where a corporation engaged in the sale of farm, garden, and flower seed, upon the mail-order plan; with a capacity to mislead the public—

I

(*a*) falsely represented and guaranteed in its catalogues that all its seed was of high germination, and repeatedly set forth therein that such seed was recleaned and free from all weed seed, particularly the seed of what are declared noxious weeds under the pure-seed laws of many States;

(*b*) falsely represented in one of its catalogues that a large portion of its grass seed was grown by farmers in its immediate vicinity, the most fertile section of the State, and that it contracted for such seed at the lowest possible cost with no freight, profit, or commission to be paid;

(*c*) falsely represented in its catalogues that it secured its grass seed direct from the producers in carload lots and that it had the advantage of being located in the midst of an ideal grass region;

(*d*) falsely represented that it was careful to get supplies free from harmful seeds; that it tried to buy only the best seed, and that its "World Brand," its best grade, consisted of only the cream of the crop, was free from all foreign matter, was as near perfect seed as could be produced, had no superior, and that its "World's Brand meets State's purity standard";

(*e*) falsely stated in one catalogue that the seed laws of all States had its hearty approval; that it would not deal in seed containing noxious weed seed; that every bag of seed shipped by it bore a tag giving in

accurate figures the percentage of seed that would germinate, the purity thereof, and the percentage of foreign matter contained therein;

(*f*) advertised and sold various kinds of clover, alfalfa, and timothy seed, falsely representing that its clover seed was free from foreign seeds and of strong germination; that it was "right on the ground floor in the production of the most superior seed that it is possible to grow"; that it offered "seed of only the highest quality in purity and germination, using the skill of a lifetime in producing a quality that is superior and unequaled by any other seed house"; that it contracted for the best fields of sweet clover, and was headquarters for the highest quality of seed;

(*g*) falsely advertised the percentage of alsike, the most expensive seed ingredient in certain alsike and timothy, red clover and timothy, and clover, alsike, and timothy mixtures sold by it; and further falsely stated the percentage of legume crops in another grass-seed mixture sold by it as Bonanza Mixture; and also that all such grass-seed mixtures had been thoroughly recleaned and were free from noxious weeds;

(*h*) failed in its catalogue to advise prospective purchasers that any of its brands contained weed seed, and to show the weed seed content on the tags attached to the bags of seed, as required by the seed laws of various States.

II.

Where said corporation dealing with retailers and agents as the Standard Seed Co.—

(*a*) advertised said Standard Seed Co. as a separate and distinct company, and issued and circulated throughout the country a catalogue under said trade name which it kept separate and distinct from that of the A. A. Berry Seed Co. (although said corporation supplied the seed thus sold from its general stock, usually purchased practically its entire stock under its own name, and made only occasional purchases under the name of Standard Seed Co.);

(*b*) falsely represented in its Standard Seed Co. catalogues, in practically the identical words used in its regular A. A. Berry catalogues, that such seed was clean, pure, and thoroughly recleaned; that nothing but pure seed, all tested in its laboratories before being sent out, was sold, and that purity and germination test of each lot of seed was put on the tag attached to each shipment, to inform the purchaser of the quality of seed purchased;

(*c*) falsely represented that its clover, alfalfa, timothy, and sweet clover seeds had been thoroughly recleaned; that its two best grades were free from noxious weed seed; that its alsike and timothy mixed, clover and timothy mixed, clover, alsike, and timothy mixed, and Bonanza Mixture had been carefully recleaned,

were free from noxious weed seed, and of high germination, and that its "Best Grade" was made from the cream of the crop:

Held, That such false and misleading advertising, and such course of conduct, under the circumstances set forth, constituted unfair methods of competition in violation of section 5 of the act of September 26, 1914.

COMPLAINT.

The Federal Trade Commission, having reason to believe from a preliminary investigation made by it that the A. A. Berry Seed Co., hereinafter referred to as respondent, has been and is using unfair methods of competition in interstate commerce in violation of the provisions of section 5 of an act of Congress approved September 26, 1914, entitled "An act to create a Federal Trade Commission, to define its powers and duties, and for other purposes," and it appearing that a proceeding by it in respect thereof would be to the interest of the public, issues this complaint, stating its charges in that respect on information and belief as follows:

PARAGRAPH 1. That the respondent, the A. A. Berry Seed Co., is a corporation organized and existing under the laws of the State of Iowa, having its principal office and place of business in the city of Clarinda, in said State, and is now and for more than one year last past, has been engaged in the business of dealing in seeds, including farm, garden, and flower seeds, purchasing its supply of seeds from growers and dealers in various States of the United States and causing same to be transported from points, both within and outside the State of Iowa, to Clarinda, Iowa, where same are resold by respondent upon mail orders to purchasers in the various States of the United States and the Territories thereof, and respondent causes said seeds to be transported when sold, from the State of Iowa through and into various other States of the United States and Territories thereof.

PAR. 2. That said respondent, in the course of its said business, makes use of catalogues and other advertising matter, which are given general circulation throughout the States and Territories of the United States and in the District of Columbia, which said catalogues and advertising matter contain certain false and misleading statements concerning

the grade and quality of the seeds sold by said respondent; that among such false and misleading statements are statements to the effect that the seeds sold by respondent are of the highest quality; are grown in the most favored seed sections, and possess the strongest germination and vitality; that such seeds are thoroughly cleaned and tested and guaranteed to be free from noxious weed seeds; that most of the seeds sold by respondent are grown on contracts made by respondent with responsible growers; whereas said respondent procures its supply of seeds chiefly from indiscriminate seed growers and other dealers in seeds who furnish to respondent the cheaper, inferior, and rejected grades of seeds, which respondent attempts to clean, selling the seeds so cleaned or mixed with seeds of a better grade, under the designation of "Intermediate" grade, without disclosing to the public how this grade of seeds is produced; in this way respondent has become an outlet for the marketing of low-grade seeds rejected by other dealers, which low grades of seeds contain large quantities of seeds of noxious weeds which overrun the land in the vicinity where the seeds are planted and are very difficult to eradicate.

PAR. 3. That said respondent conducts certain portions of its business under the trade name and style of "Standard Seed Co." and has concealed its ownership and control of said Standard Seed Co., but has held the said Standard Seed Co. out to the public and advertised it as wholly independent and without connection with respondent; that respondent has used the "Standard Seed Co." as a means of acquiring and holding trade which respondent was unable to acquire direct, and purchasers of seeds who do not desire to purchase seeds from respondent on account of the inferior grade of seeds sold by it, are fraudulently induced to trade unknowingly with the respondent through the instrumentality of said Standard Seed Co.

REPORT, FINDINGS AS TO THE FACTS, AND ORDER.

The Federal Trade Commission having issued and served its complaint herein wherein it alleged that it had reason

to believe that the above-named respondent, A. A. Berry Seed Co., has been and now is using unfair methods of competition in interstate commerce in violation of the provisions of section 5 of an act of Congress approved September 26, 1914, entitled "An act to create a Federal Trade Commission, to define its powers and duties, and for other purposes," and that a proceeding by it in that respect would be to the interest of the public, and fully stating its charges in that respect; and the respondent having entered its appearance by Jeffery, Campbell & Clark, its attorneys, and having filed its answer and amended answer to said complaint; and the attorneys for both parties having thereafter signed and filed an agreed statement of facts wherein it was stipulated and agreed that said agreed statement of facts should be taken as the evidence herein and in lieu of testimony, and that the Federal Trade Commission should forthwith proceed, upon said agreed statement of facts, to make and enter its report stating its findings as to the facts and its conclusions and its order disposing of this proceeding; and the attorneys for both parties having filed briefs and the Commission having heard the arguments of counsel on the merits of the case and having duly considered the record and being fully advised in the premises now makes this its report and findings as to the facts and its conclusions as follows:

FINDINGS AS TO THE FACTS.

PARAGRAPH 1. That respondent, A. A. Berry Seed Co., is and was at all times herein mentioned a corporation organized and existing under the laws of the State of Iowa, having its principal office and place of business in the city of Clarinda in said State.

PAR. 2. That respondent was, in the year 1917, and ever since has been engaged in the business of selling seed, including farm, garden, and flower seed, at Clarinda, Iowa, aforesaid, and shipped the same to purchasers in the various States and Territories of the United States and the District of Columbia.

PAR. 3. That respondent conducts a large part of its said business upon the mail-order plan, publishing and circulat-

ing throughout the United States annual catalogues containing descriptions of the various kinds and grades of seed sold by it. These catalogues are sent direct to farmers and to those desirous of purchasing seed and they in turn send their orders to respondent company and the seed is shipped to them. Respondent employs no agents in the conduct of its business under the name of A. A. Berry Seed Co., but relies entirely on its catalogues and other advertising matter to effect sales.

PAR. 4. That for more than one year last past and specifically in its catalogues published in and for the years 1917 and 1919, and distributed by it throughout the various States and Territories of the United States as aforesaid, respondent has made statements concerning the grade and quality of its various kinds of seed, and to effect the sales thereof, which statements are in many particulars false and misleading and calculated to mislead purchasers and prospective purchasers of such seed.

PAR. 5. That in both its 1917 and 1919 catalogues respondents represented and guaranteed its seed to be of high germination, and that this statement and guarantee applied to all seed sold by respondent; said statement is and was in fact untrue in that respondent's seed was and is not all of high germination, as admitted by respondent, and as further shown by analyses made of various samples by the State seed analysts of certain States, these anlyses in some cases showing germination tests as low as 30 per cent and 49 per cent.

PAR. 6. That in its 1919 catalogue respondent stated and represented a large proportion of its grass seed was grown by farmers in the immediate vicinity of Clarinda, Iowa, the most fertile section of the State, and that respondent contracted for such seed at the lowest possible cost with no freight, profit, or commission to pay; that such statements were false and misleading by reason of the fact that respondent purchased a large proportion of its grass seed from other seed houses in the same way as its competitors and had no growers under contract to grow grass seed for it.

PAR. 7. That in both its 1917 and 1919 catalogues respondent stated and represented that it secured its grass seed di-

rect from the producers in carload lots and that it had the advantage of being located in the midst of an ideal grass region; that such statements were false and misleading in that respondent did not secure all of its grass seed direct from producers, but secured a large proportion thereof from other seed companies.

PAR. 8. That in both its 1917 and 1919 catalogues respondent repeatedly asserts and calls attention to the alleged fact that its seed is recleaned and is free from all weed seed, including in particular the seed of what are declared to be noxious weeds under the pure-seed laws of many of the States; that such statements were and are false and misleading in that respondent's said seed did, in fact, contain considerable quantities of weed seed, including noxious weeds, as well as other foreign matter, and had not been cleaned of all these impurities as claimed by respondent. That it is admitted by respondent that it is possible to obtain seed where the percentage of weed seed content is less than 1 per cent.

PAR. 9. That respondent separates its seed into four grades, which it calls World Brand (Extra Fancy), Dealer's Fancy, Planet Brand (Extra Choice), and Star Brand; World Brand being the finest grade and Star Brand the cheapest. That it claims that all its grades have been recleaned; that it is careful to get lots free from harmful weeds and tries to buy only the best seed. It states that its Planet Brand is thoroughly recleaned and contains no dangerous weed seed, and that its Dealer's Fancy is a very fancy grade of seed which has been carefully recleaned. Respondent claims that its World Brand consists of only the cream of the crop, is free from all foreign matter, and is as near perfect seed as it can be made, and that there is no superior to this grade, and in its 1919 catalogue it states that "Berry's World Brand meets State's purity standard." That each and every one of these various brands has, in fact, been found to contain weed seed, and also in many instances the seed of certain weeds which are declared by various States to be noxious weeds.

PAR. 10. That respondent has made shipments of its World Brand seeds into the States of Michigan, Wisconsin, and Illinois, and samples of certain of these shipments have been analyzed by the State seed analysts of those States; these analyses showed all these samples to contain various kinds of weed seed, including the seed of weeds declared to be noxious by the pure-seed laws of those States, in certain instances in quantities sufficient to condemn the sale of the seed in such States. That analyses made by State seed analysts of various States of shipments of its other grades of seed made by respondent into their States have shown said shipments invariably to contain large numbers of weed seeds of many varieties, and in the majority of instances the seeds of weeds that are declared to be noxious by the pure-seed laws of said States.

PAR. 11. That respondent states in its 1919 catalogue that the seed laws of all States have its hearty approval; that it stands the test and will not deal in seed that contains noxious weed seed, and that every bag of seed shipped by it bears a tag giving in accurate figures the percentage of seed that will germinate, and the purity of the seed and the percentage of foreign matter contained therein. That these statements are false and misleading in that respondent does deal in seed containing noxious weed seed, and has shipped seed into States having pure-seed laws providing for the labeling of the purity, germination, and weed content of seeds sold therein, without so labeling its shipments; and that in many instances where seed has been labeled by respondent the recitation on the tag did not correctly show the purity, germination, or weed content of the shipment.

PAR. 12. That respondent has advertised and sold for more than one year last past, in interstate commerce, medium red or common clover, mammoth clover, alsike clover, sweet clover of different varieties, alfalfa, and timothy seed under the same grades and brand names as hereinbefore set forth; that it has made various statements regarding the quality of these seeds, as shown above, and more particularly the following: "We take special pride in having our clover seed free from foreign seeds, the berry being bright,

plump, and of strong germination." "We are right on the ground floor in the production of the most superior alfalfa seed that it is possible to grow. * * * We offer seed of only the highest quality in purity and germination, using the skill of a lifetime in producing a quality that is superior and unequaled by any other seed house"; and states that it contracts the best fields of sweet clover, and adds, "Beware of cheap seed, as it is apt to contain alfalfa seed or noxious weeds. When you buy sweet clover, you don't want alfalfa. Buy your seed from us as we are headquarters for the highest quality of seed and no one can sell to better advantage"; it states that it buys its timothy seed direct from the producer, claiming to put on the market a superior grade of seed, which is all recleaned and tested for purity and germination. That all these statements are false and misleading, in that, as hereinbefore set forth, all its brands and grades do contain noxious weed seed, and other impurities; that its clover seed of various kinds has been found not to consist of berries of strong germination, but in fact is in many cases a poor quality of seed, of low germinating power; that its alfalfa seed is not produced by it as intimated in its catalogue, but is purchased largely from other seed houses, and is not of the highest quality in purity or germination, but in fact is generally of medium or poor quality, of low germination, and contains the seed of various kinds of weeds, including noxious weeds, and other impurities; that its seed is not of the highest quality, free from alfalfa seed and noxious weed seed, but on the contrary contains the seed of alfalfa (in one instance to a total of 33.6 per cent) and other crop seed, various kinds of weed seed, including noxious weed seed, and other impurities; that respondent does not buy all its timothy seed direct from the producer, but purchases a large proportion of it from other seed houses, and that its timothy seed is not generally a superior grade of seed, but contains the seeds of various weeds, including noxious weeds, and in many cases is of low germination. That samples of many shipments, including all the above kinds of seed, made by respondent to purchasers in the States of Michigan, Minnesota, Wis-

consin, Illinois, Maryland, Virginia, and New York, were sent to the official seed analysts of those States, and were analyzed by them; that said shipments were shown on analysis to be generally low in purity, in one case as low as 59.74 per cent and in others as low as 63.07 per cent and 66.25 per cent, germinating power as low as 30 per cent, other crop seed content being as high as 23.68 per cent and 33.6 per cent; and weed-seed content as high as 13.69 per cent. All said samples were shown to contain the seed of weeds declared to be noxious by the pure-seed laws of the States above mentioned, in many cases in quantities beyond those allowed by the State laws, and, as a consequence, the shipments in such cases were condemned.

PAR. 13. That respondent has advertised and sold for more than one year last past, in interstate commerce, certain mixtures of grass seed, which it calls alsike and timothy mixed, red clover and timothy mixed, clover, alsike and timothy mixed, and Bonanza Mixture; that respondent does not sell said mixtures under the various grades and brand names under which it sells its other grass seed, as hereinbefore set forth, but only sells one grade of these mixed seeds; that alsike clover seed costs two or three times as much as timothy seed; that respondent in its catalogue states that its alsike and timothy mixture contains from 20 to 40 per cent alsike, the balance being timothy; that its clover and timothy mixed contains from 20 to 30 per cent clover, the balance being timothy; that its Bonanza Mixture is composed of 50 per cent legume crops, comprising 20 per cent red clover, 10 per cent alsike, 10 per cent white sweet clover, 10 per cent alfalfa, and the balance timothy; it claims that all its grass-seed mixtures have been thoroughly recleaned and are free from noxious weeds. That said statements are false and misleading in that said mixtures do not generally contain as large a percentage of alsike seed as represented by respondent, and its Bonanza Mixture does not contain the percentages of legume crops set forth by respondent, and said grass-seed mixtures all contain the seed of various kinds of weeds, and other impurities, and particularly the seed of noxious weeds, often in quantities sufficient to condemn the

shipment of seed for sale in the State into which it was shipped. That samples of many shipments of the above-named grass-seed mixtures, made by respondent to purchasers in the States of Michigan, Wisconsin, Virginia, Minnesota, Maryland, New York, and Illinois, were sent to the official seed analysts of those States, and were analyzed by them; that said shipments were shown on analysis to be generally low in purity, in one case as low as 75 per cent, germinating power of the various crop seed comprising the mixture as low as 25 per cent and 31 per cent, foreign crop seed amounting to as much as 12.90 per cent, and weed seed as high as 7.04 per cent, in some cases comprising 45 different kinds; in most cases the percentages of various seed as stated by respondent were found to be incorrect, being much lower than those given; all said samples were shown to contain the seed of weeds declared to be noxious by the pure seed laws of the States above mentioned, in many cases in quantities beyond that allowed by the State laws, and as a consequence the shipments in such cases were condemned in said States.

PAR. 14. That respondent admits that a portion of the grass seed which it purchases is a poor class of seed, which it mixes with higher-grade seed and sells as its intermediate grades. It claims that it attempts to eliminate noxious weed seed from these poorer grades before mixing, but there are certain noxious weeds which it is unable to remove from the grass seed because they are similar in size and weight. Respondent did not in its catalogue advise prospective purchasers that any of its brands contained weed seed, and did not show the weed-seed content on its tags attached to the bags of seed, as required by the seed laws of various States.

PAR. 15. That respondent has on numerous occasions had its attention called by State seed analysts to the fact that its shipments of seed into certain of the States did not comply with the pure-seed laws of said States, and it has on various occasions stated that it would comply with such laws. That complaints are now being received by State seed analysts as to the quality of seed being shipped by respondent into their respective States.

PAR. 16. That "Standard Seed Co." is a trade name adopted by respondent for its wholesale business, and that said "Standard Seed Co." is in fact under the same management and control and is in every respect identical with respondent, A. A. Berry Seed Co. That respondent advertises said "Standard Seed Co." as a separate and distinct company, and issues and circulates throughout the various States and Territories of the United States and the District of Columbia a catalogue under said trade name which is separate and distinct from that of the A. A. Berry Seed Co. That the seed sold under the name "Standard Seed Co." is supplied by the respondent and is not kept separate from its general stock; that respondent, A. A. Berry Seed Co. generally purchases practically its entire stock under its own name, making only occasional purchases under the name of "Standard Seed Co."

PAR. 17. That the catalogues issued by respondent under the name "Standard Seed Co." are distributed throughout the various States of the United States and the District of Columbia, and describe its seed in practically the identical words of respondent's regular catalogue. These catalogues call attention to the fact that the "Standard Seed Co.'s" seed is clean and pure; that it is thoroughly recleaned, and that that concern sells nothing but pure seed, which is all tested in its laboratory before being sent out; and that the purity and germination test of each lot of seed is put on a tag which is attached to each shipment so as to inform the purchaser of the quality of seed purchased.

PAR. 18. That respondent uses the said name "Standard Seed Co." in that branch of its business wherein it sells its seed to retail dealers and to certain agents, who sell by sample to the crop-growing public whereas, as above stated, under its own name its sales are made entirely by mail. That in selling seed in this way, under the name "Standard Seed Co.," respondent grades its clover seed of various kinds, alfalfa seed, timothy, and sweet clover seed into three qualities, which it calls "Good or Choice Grade," "Better or Fancy Grade," and "Best or Extra Fancy Grade." It claims that this seed also has been thoroughly recleaned,

and that its two best grades are free from noxious weed seed; it sells certain mixtures of seed under the names, alsike and timothy mixed, clover and timothy mixed, clover, alsike, and timothy mixed, and Bonanza Mixture; that these seed mixtures are not sold under the brands and grades above mentioned, but only one grade of said mixtures is sold; in the separate catalogue of "Standard Seed Co." it is stated that all its mixed seed has been carefully recleaned, is free from noxious weed seed, and is of high germination, and that its "Best Grade" is made from the cream of the crop. That these statements are false and misleading because all of said grades and brands have been found in fact to contain weed seed, including noxious weeds, in many cases in sufficient quantities to condemn the shipment for sale in the State into which shipped, and other impurities, and are not of high germination. That shipments of seed, including red clover, alsike clover, mammoth clover, alsike, and timothy mixed, clover and timothy mixed, clover, alsike, and timothy mixed, and Bonanza Mixture, have been made under the name "Standard Seed Co." to purchasers in the States of Wisconsin and New York, and samples of said shipments have been sent to the official seed analysts of said States, who have analyzed said samples; that shipments were shown on analysis to be generally low in purity, in one case containing only 75.48 per cent pure seed, germinating value of the crop seed comprising said shipments being generally poor, in one instance as low as 68 per cent, foreign crop seeds amounting to as much as 16.73 per cent in one case, and every sample showed various kinds of weed seed, in one instance showing as many as 42 different varieties. All said samples were shown to contain the seed of weeds declared to be noxious weeds by the pure seed laws of the said States mentioned above, and in a majority of cases in quantities beyond that allowed by the State laws, and as a consequence the shipments in such cases were condemned in said States.

PAR. 19. That the complaint in this case was issued January 7, 1920, and it was admitted by respondent's attorney in open hearing at the final submission of this case to the

Commission and in respondent's amended answer that respondent's catalogue for the year 1920 was issued and mailed to the public some time about the middle of January, 1920.

PAR. 20. That the effect of the misrepresentations above set forth may be to mislead the public and to embarras competitors of respondent in the conduct of their business.

CONCLUSIONS.

That the methods of competition set forth in the foregoing findings of facts in paragraphs 4 to 18, inclusive, and each and all of them are, under the circumstances therein set forth, unfair methods of competition in interstate commerce in violation of an act of Congress approved September 26, 1914, entitled "An Act to create a Federal Trade Commission, to define its powers and duties, and for other purposes."

ORDER TO CEASE AND DESIST.

The Federal Trade Commission having issued and served its complaint herein, and the respondent having entered its appearance by Jeffery, Campbell & Clark, its attorneys, and having filed its answer and amended answer to said complaint, and the attorneys for both parties having thereafter signed and filed an agreed statement of facts wherein and whereby it was stipulated and agreed that said agreed statement of facts should be taken as the evidence herein and in lieu of testimony, and waiving any and all right to require the introduction of testimony, and agreeing that the Federal Trade Commission should forthwith proceed upon said agreed statement of facts to make and enter its report stating its findings as to the facts and its conclusions and its order disposing of this proceeding, and the attorneys for both parties having filed briefs, and the Commission having heard the arguments of counsel on the merits of the case and having duly considered the record and being fully advised in the premises, and the Federal Trade Commission having made and entered its report stating its findings as to the facts and its conclusions that the respondent has violated section 5 of an act of Congress approved September 26,

1914, entitled, "An act to create a Federal Trade Commission, to define its powers and duties ,and for other purposes," which said report is hereby referred to and made a part hereof: Now, therefore,

It is ordered, that the respondent, A. A. Berry Seed Co., its officers, agents, representatives, servants, and employees, cease and desist from:

(1) Publishing or circulating under its own name or the name "Standard Seed Co." any catalogues or other advertising matter containing false or misleading statements as to the character or quality of the seed sold by it, and more specifically the following:

(*a*) Any false or misleading statement concerning the freedom of respondent's seed from noxious weed seed or other foreign matter.

(*b*) Any false or misleading statement respecting the germinating qualities of respondent's seed.

(*c*) Any false or misleading statement as to the source from which respondent obtains its seed.

(*d*) Any false or misleading statement as to the conformity of respondent's World Brand Seed to the standards of any State.

(*e*) Any false or misleading statement as to the manner in which respondent marks shipment of its seed.

(*f*) Any false or misleading statement as to the quantity or quality of the constituent elements of any of respondent's seed mixtures.

(2) Selling or offering for sale any seed under the name "Standard Seed Co." without fully disclosing to the trade and purchasing public that said "Standard Seed Co." is one and the same as respondent, A. A. Berry Seed Co.

And it is further ordered, that said respondent, A. A. Berry Seed Co., shall within 60 days from date of service of this order file with the Commission a report setting forth in detail the manner and form in which it has complied with the order of the Commission herein set forth.

Complaint. 2 F. T. C.

FEDERAL TRADE COMMISSION